

**MICHAEL LYNN POSTON and wife,
MYRNA JO POSTON,**

VS.

NO. _____
JURY DEMAND

Case 2:10-cv-00048 Document 1 Filed 05/17/10 Page 1 of 3 PageID #: 1

This action is one over which this Court has subject matter jurisdiction under the provisions of 28 U.S.C.A. Sections 1332 and 1446. The plaintiffs are citizens and residents of White County, Tennessee. The defendants are out of state corporations that are doing business in the State of Tennessee. The plaintiffs are seeking damages in excess of \$75,000. Therefore, this action is one that may be removed to this Court by the defendant, pursuant to the provisions of 28 U.S.C.A. Section 1446 and 28 U.S.C.A. Section 1332, in that it is an action for a complete diversity lawsuit.

This Notice of Removal was filed in this Court within thirty (30) days of plaintiffs' notice of the commencement of the lawsuit on defendant Shelter Mutual Insurance Company, said notice received by certified mail on April 23, 2010 in Civil Action No. CC2048M in the Circuit Court for White County, Tennessee.

WHEREFORE, the defendants respectfully requests that this action now pending before the Circuit Court for White County, Tennessee be removed to this Court.

Respectfully submitted,

ORTALE, KELLEY, HERBERT & CRAWFORD

/s/ W. Carl Spining

W. Carl Spining, Esq. **16302**
Attorney for Shelter Mutual Insurance Company
200 Fourth Avenue, North
Third Floor - Noel Place
Post Office Box 198985
Nashville, Tennessee 37219-8985
(615) 256-9999

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been served, via U.S. Mail, postage pre-paid, **on Equifirst Corporation**, 500 Forest Point Circle, Charlotte, NC 28273, **HomeQ Servicing ISAOA**, P.O. Box 576216, Jacksonville, Florida 32241, **Mortgage Electronic Registration System, Inc.**, P.O. Box 2026, Flint, MI 48501 and **D. Michael Kress, II**, 8 East Bockman Way, Sparta, Tennessee 38583 this _____ day of May 2010.

W. Carl Spining